United Nations A/C.3/67/L.53

General Assembly

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12 November 2012

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Sixty-seventh session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Argentina, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of): draft resolution

International Convention for the Protection of All Persons from Enforced Disappearance

The General Assembly,

Reaffirming its resolution 61/177 of 20 December 2006, by which it adopted and opened for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance,

Recalling its resolution 47/133 of 18 December 1992, by which it adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Recalling also its resolution 66/160 of 19 December 2011, as well as relevant resolutions adopted by the Human Rights Council, including resolution 21/4 of 27 September 2012, in which the Council took note of the report of the Working Group on Enforced or Involuntary Disappearances[1] and the recommendations contained therein,

[1] A/HRC/19/58/Rev.1.

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Recalling further that no exceptional circumstance whatsoever may be invoked as a justification for enforced disappearance,

Recalling that no one shall be held in secret detention,

Deeply concerned, in particular, by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling that the Convention sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

Acknowledging that acts of enforced disappearance are recognized in the Convention as crimes against humanity, in certain circumstances,

Acknowledging also the valuable work of the International Committee of the Red Cross in promoting compliance with international humanitarian law in this field,

1. Welcomes the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance[2] on 23 December 2010, and recognizes that its implementation will be a significant contribution to ending impunity and to promoting and protecting all human rights for all;

2. *Also welcomes* the fact that ninety-one States have signed the Convention and thirty-six have ratified or acceded to it, and calls upon States that have not yet done so to consider signing, ratifying or acceding to the Convention as a matter of priority, as well as to consider the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances;

3. *Further welcomes* the report of the Secretary-General;[3]

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue their intensive efforts to assist States in becoming parties to the Convention, with a view to achieving universal adherence;

5. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations and the Working Group on Enforced or Involuntary Disappearances, to continue making efforts to disseminate information on the Convention, to promote understanding of it and to assist States parties in implementing their obligations under this instrument;

6. *Welcomes* the work achieved by the Committee on Enforced Disappearances during its first three sessions, and encourages all States parties to the Convention to support and promote the work of the Committee and to implement its recommendations;

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[2] Resolution 61/177, annex.

[3] A/67/271.

7. *Recognizes* the importance of the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States designed to punish enforced disappearances, to prevent their commission and to help victims of such acts and their families to seek fair, prompt and adequate reparation;

8. *Notes* that 2012 marks the twentieth anniversary of the adoption by the General Assembly of the Declaration and urges all States to promote and to give full effect to it;

9. *Welcomes* the cooperation established between the Working Group on Enforced or Involuntary Disappearances and the Committee on Enforced Disappearances, within the framework of their respective mandates;

10. *Takes note with interest* of all the general comments of the Working Group on Enforced or Involuntary Disappearances, including the most recent one on the right to recognition as a person before the law in the context of enforced disappearances,[4] which are aimed at helping States to apply the Declaration in a way that is most conducive to the protection of all persons from enforced disappearances;

11. *Invites* the Chair of the Committee on Enforced Disappearances and the Chair of the Working Group on Enforced or Involuntary Disappearances to address and engage in an interactive dialogue with the General Assembly at its sixty-eighth session under the item on the promotion and protection of human rights;

12. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a report on the status of the Convention and the implementation of the present resolution.

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[4] See A/HRC/19/58/Rev.1, sect. II.H.

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Sixty-seventh session
Third Committee
Agenda item 68
Right of peoples to self-determination

Afghanistan, Albania, Algeria, Antigua and Barbuda, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, China, Comoros, Costa Rica, Cyprus, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, Eritrea, Ethiopia, Finland, France, Gabon, Greece, Guinea, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Monaco, Morocco, Myanmar, Namibia, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Poland, Portugal, Qatar, Romania, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tunisia, Turkey, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe and Palestine: draft resolution

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970 entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] Resolution 1514 (XV).
[4] A/CONF.157/24 (Part I), chap. III.

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Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,[9]

Expressing the urgent need for the resumption and accelerated advancement of negotiations within the Middle East peace process, based on the relevant resolutions of the United Nations, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative[10] and the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict,[11] and for the speedy achievement of a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides,

Stressing the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard its resolution 58/292 of 6 May 2004,

Recalling its resolution 66/146 of 19 December 2011,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

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[5] See resolution 50/6.

[6] Resolution 55/2.

[7] See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[8] See A/ES-10/273 and Corr.1, advisory opinion, para. 88; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[9] See A/ES-10/273 and Corr.1, advisory opinion, para. 122; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

[10] A/56/1026-S/2002/932, annex II, resolution 14/221.

[11] S/2003/529, annex.

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Sixty-seventh session
Third Committee
Agenda item 67 (a)
Elimination of racism, racial discrimination, xenophobia and related intolerance

Belarus, Bolivia (Plurinational State of), Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Eritrea, Ethiopia, Gabon, Guinea, Kazakhstan, Lao People's Democratic Republic, Lebanon, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Pakistan, Russian Federation, Seychelles, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Turkmenistan, Uganda, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe: draft resolution

Glorification of Nazism: inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005[5] and relevant Human Rights Council resolutions, in particular resolutions 7/34 of 28 March 2008,[6] 18/15 of 29 September 2011[7] and 21/33 of 28 September 2012, as well as General Assembly resolutions 60/143 of 16 December 2005, 61/147 of 19 December 2006, 62/142 of 18 December 2007, 63/162 of 18 December 2008, 64/147 of 18 December 2009,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 660, No. 9464.
[4] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.
[5] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.
[6] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.
[7] Ibid., *Sixty-sixth Session, Supplement No. 53A* (A/66/53/Add.1 and Corr.1), chap. II.

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65/199 of 21 December 2010 and 66/143 of 19 December 2011 on this issue and resolutions 61/149 of 19 December 2006, 62/220 of 22 December 2007, 63/242 of 24 December 2008, 64/148 of 18 December 2009, 65/240 of 24 December 2010 and 66/144 of 19 December 2011, entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action",

Recalling also the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized as criminal, inter alia, the SS organization and all its integral parts, including the Waffen SS, through its officially accepted members implicated in or with knowledge of the commission of war crimes and crimes against humanity connected with the Second World War, as well as other relevant provisions of the Charter and the Judgement,

Recalling further the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[8] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action, as well as the relevant provisions of the outcome document of the Durban Review Conference, of 24 April 2009,[9] in particular paragraphs 11 and 54,

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as similar extremist ideological movements,

Deeply concerned by the recent manifestations of violence and terrorism incited by aggressive nationalism, racism, xenophobia and related intolerance,

1. *Reaffirms* the relevant provisions of the Durban Declaration[8] and of the outcome document of the Durban Review Conference,[9] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Takes note* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance prepared in accordance with the request contained in General Assembly resolution 66/143;[10]

3. *Expresses its appreciation* to the United Nations High Commissioner for Human Rights for her commitment to maintaining the fight against racism, racial discrimination, xenophobia and related intolerance as one of the priority activities of her Office;

4. *Expresses deep concern* about the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements;

[8] See A/CONF.189/12 and Corr.1, chap. I.

[9] See A/CONF.211/8, chap. I.

[10] See A/67/328.

5. *Expresses concern* at recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and in this regard urges States to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;[11]

6. *Notes with concern* the increase in the number of racist incidents worldwide, including the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting members of national, ethnic, religious or linguistic minorities;

7. *Reaffirms* that such acts may be qualified to fall within the scope of the International Convention on the Elimination of All Forms of Racial Discrimination,[3] that they may not be justified as exercises of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression, and that they may fall within the scope of article 20 of the International Covenant on Civil and Political Rights[2] and may legitimately be restricted as set out in articles 19, 21 and 22 of the Covenant;

8. *Expresses deep concern* at attempts to exploit through commercial advertising the sufferings of the victims of the Second World War and crimes against humanity committed by the Nazi regime;

9. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and by those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and negatively influence children and young people, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter and is incompatible with the purposes and principles of the Organization;

10. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and in this regard calls for increased vigilance;

11. *Emphasizes* the need to take the measures necessary to put an end to the practices described above, and calls upon States to take more effective measures in accordance with international human rights law to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

12. *Encourages* States to adopt further measures to provide training to the police and other law enforcement bodies on the ideologies of extremist political parties, movements and groups whose advocacy constitutes incitement to racist and xenophobic violence and to strengthen their capacity to address racist and xenophobic crimes and to bring to justice those responsible for such crimes;

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[11] United Nations, *Treaty Series*, vol. 1125, No. 17512.

13. *Takes note* of the recommendation of the Special Rapporteur regarding the responsibility of political leaders and parties in relation to messages that incite racial discrimination or xenophobia;

14. *Recalls* the recommendation of the Special Rapporteur to introduce into domestic criminal law a provision according to which committing an offence with racist or xenophobic motivations or aims constitutes an aggravating circumstance allowing for enhanced penalties, and encourages those States whose legislation does not contain such provisions to consider that recommendation;

15. *Reaffirms*, in this regard, the particular importance of all forms of education, including human rights education, as a complement to legislative measures, as outlined by the Special Rapporteur;

16. *Emphasizes* the recommendation made by the Special Rapporteur to the General Assembly at its sixty-fourth session regarding the importance of history classes in teaching the dramatic events and human suffering that resulted from the ideologies of Nazism and Fascism;

17. *Stresses* the importance of other positive measures and initiatives aimed at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives which require continued State support;

18. *Calls upon* States to continue to invest in education, inter alia, in order to transform attitudes and correct ideas of racial hierarchies and superiority promoted by extremist political parties, movements and groups and counter their negative influence;

19. *Underlines* the potentially positive role that relevant United Nations entities and programmes, in particular the United Nations Educational, Scientific and Cultural Organization, can play in the aforementioned areas;

20. *Reaffirms* article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, in which States parties to that instrument condemn all propaganda and all organizations that are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or that attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to that end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

(a) Shall declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination;

21. *Also reaffirms* that, as underlined in paragraph 13 of the outcome document of the Durban Review Conference, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, that all dissemination of ideas based on racial superiority or hatred, or incitement to racial discrimination, as well as all acts of violence or incitement to such acts, shall be declared offences punishable by law, in accordance with the international obligations of States, and that these prohibitions are consistent with freedom of opinion and expression;

22. *Recognizes* the positive role that the exercise of the right to freedom of opinion and expression, as well as full respect for the freedom to seek, receive and impart information, including through the Internet, can play in combating racism, racial discrimination, xenophobia and related intolerance;

23. *Expresses concern* about the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, and in this regard calls upon States parties to the International Covenant on Civil and Political Rights to implement fully articles 19 and 20 of the Covenant, which guarantee the right to freedom of expression and outline grounds on which the exercise of this right can be legitimately restricted;

24. *Recognizes* the need to promote the use of new information and communications technologies, including the Internet, to contribute to the fight against racism, racial discrimination, xenophobia and related intolerance;

25. *Encourages* those States that have made reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination to give serious consideration to withdrawing such reservations as a matter of priority, as stressed by the Special Rapporteur in his report to the General Assembly at its sixty-fifth session;[12]

26. *Notes* the importance of strengthening cooperation at the regional and international levels with the aim of countering all manifestations of racism, racial discrimination, xenophobia and related intolerance, in particular regarding issues raised in the present resolution;

27. *Stresses* the importance of cooperating closely with civil society and international and regional human rights mechanisms in order to counter effectively all manifestations of racism, racial discrimination, xenophobia and related intolerance, as well as extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements;

28. *Encourages* States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to ensure that their legislation incorporates the provisions of the Convention, including those of article 4;

29. *Encourages* States to adopt the legislation necessary to combat racism while ensuring that the definition of racial discrimination set out therein complies with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination;

[12] See A/65/323.

30. *Recalls* that any legislative or constitutional measures adopted with a view to countering extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements should be in conformity with the relevant international human rights norms;

31. *Also recalls* the request of the Commission on Human Rights, in its resolution 2005/5,[5] that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

32. *Requests* the Special Rapporteur to prepare, for submission to the General Assembly at its sixty-eighth session and to the Human Rights Council at its twenty-third session, reports on the implementation of the present resolution, in particular regarding paragraphs 4, 5, 7, 8, 13 and 14 thereof, based on the views collected in accordance with the request of the Commission on Human Rights, as recalled in paragraph 31 above;

33. *Expresses its appreciation* to those Governments that have provided information to the Special Rapporteur in the course of the preparation of his report to the General Assembly, and notes with appreciation the increase in such contributions received from States;

34. *Stresses* that such information is important for the sharing of experiences and best practices in the fight against extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as extremist ideological movements that incite racism, racial discrimination, xenophobia and related intolerance;

35. *Encourages* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the tasks outlined in paragraph 31 above;

36. *Encourages* Governments, non-governmental organizations and relevant actors to disseminate, as widely as possible, information regarding the contents of and the principles outlined in the present resolution, including through the media, but not limited to it;

37. *Decides* to remain seized of the issue.

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Sixty-seventh session
Third Committee
Agenda item 67 (a)
Elimination of racism, racial discrimination, xenophobia and related intolerance

Bangladesh, Belarus, Benin, Bolivia (Plurinational State of), Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Eritrea, Ethiopia, Gabon, Guinea, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Mauritania, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Pakistan, Russian Federation, Rwanda, Seychelles, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Turkmenistan, Uganda, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe: revised draft resolution

Glorification of Nazism: inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005[5] and relevant Human Rights Council resolutions, in particular resolutions 7/34 of 28 March 2008,[6] 18/15 of 29 September 2011[7] and 21/33 of 28 September 2012, as well as General Assembly resolutions 60/143 of 16 December 2005, 61/147 of 19 December 2006, 62/142 of

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 660, No. 9464.
[4] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.
[5] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.
[6] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.
[7] Ibid., *Sixty-sixth Session, Supplement No. 53A* (A/66/53/Add.1 and Corr.1), chap. II.

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18 December 2007, 63/162 of 18 December 2008, 64/147 of 18 December 2009, 65/199 of 21 December 2010 and 66/143 of 19 December 2011 on this issue and resolutions 61/149 of 19 December 2006, 62/220 of 22 December 2007, 63/242 of 24 December 2008, 64/148 of 18 December 2009, 65/240 of 24 December 2010 and 66/144 of 19 December 2011, entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action",

Recalling also the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized as criminal, inter alia, the SS organization and all its integral parts, including the Waffen SS, through its officially accepted members implicated in or with knowledge of the commission of war crimes and crimes against humanity connected with the Second World War, as well as other relevant provisions of the Charter and the Judgement,

Recalling further the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[8] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action, as well as the relevant provisions of the outcome document of the Durban Review Conference, of 24 April 2009,[9] in particular paragraphs 11 and 54,

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as similar extremist ideological movements,

Deeply concerned by all recent manifestations of violence and terrorism incited by violent nationalism, racism, xenophobia and related intolerance,

1. *Reaffirms* the relevant provisions of the Durban Declaration[8] and of the outcome document of the Durban Review Conference,[9] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Takes note* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance prepared in accordance with the request contained in General Assembly resolution 66/143;[10]

3. *Expresses its appreciation* to the United Nations High Commissioner for Human Rights for her commitment to maintaining the fight against racism, racial discrimination, xenophobia and related intolerance as one of the priority activities of her Office;

4. *Expresses deep concern* about the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the

[8] See A/CONF.189/12 and Corr.1, chap. I.

[9] See A/CONF.211/8, chap. I.

[10] See A/67/328.

anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements;

5. *Expresses concern* at recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and in this regard urges States to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;[11]

6. *Notes with concern* the increase in the number of racist incidents worldwide, including the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting members of national, ethnic, religious or linguistic minorities;

7. *Reaffirms* that such acts may be qualified to fall within the scope of the International Convention on the Elimination of All Forms of Racial Discrimination,[3] that they may not be justified as exercises of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression, and that they may fall within the scope of article 20 of the International Covenant on Civil and Political Rights[2] and may legitimately be restricted as set out in articles 19, 21 and 22 of the Covenant;

8. *Expresses deep concern* at attempts of commercial advertising aimed at exploiting the sufferings of the victims of war crimes and crimes against humanity committed during the Second World War by the Nazi regime;

9. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and by those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and negatively influence children and young people, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter and is incompatible with the purposes and principles of the Organization;

10. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and in this regard calls for increased vigilance;

11. *Emphasizes* the need to take the measures necessary to put an end to the practices described above, and calls upon States to take more effective measures in accordance with international human rights law to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

12. *Encourages* States to adopt further measures to provide training to the police and other law enforcement bodies on the ideologies of extremist political parties, movements and groups whose advocacy constitutes incitement to racist and xenophobic violence and to strengthen their capacity to address racist and xenophobic crimes and to bring to justice those responsible for such crimes;

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[11] United Nations, *Treaty Series*, vol. 1125, No. 17512.

13. *Takes note* of the recommendation of the Special Rapporteur regarding the responsibility of political leaders and parties in relation to messages that incite racial discrimination or xenophobia;

14. *Recalls* the recommendation of the Special Rapporteur to introduce into domestic criminal law a provision according to which committing an offence with racist or xenophobic motivations or aims constitutes an aggravating circumstance allowing for enhanced penalties, and encourages those States whose legislation does not contain such provisions to consider that recommendation;

15. *Reaffirms*, in this regard, the particular importance of all forms of education, including human rights education, as a complement to legislative measures, as outlined by the Special Rapporteur;

16. *Emphasizes* the recommendation made by the Special Rapporteur to the General Assembly at its sixty-fourth session regarding the importance of history classes in teaching the dramatic events and human suffering that resulted from the ideologies of Nazism and Fascism;

17. *Stresses* the importance of other positive measures and initiatives aimed at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives which require continued State support;

18. *Calls upon* States to continue to invest in education, inter alia, in order to transform attitudes and correct ideas of racial hierarchies and superiority promoted by extremist political parties, movements and groups and counter their negative influence;

19. *Underlines* the potentially positive role that relevant United Nations entities and programmes, in particular the United Nations Educational, Scientific and Cultural Organization, can play in the aforementioned areas;

20. *Reaffirms* article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, in which States parties to that instrument condemn all propaganda and all organizations that are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or that attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to that end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

(a) Shall declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination;

21. *Also reaffirms* that, as underlined in paragraph 13 of the outcome document of the Durban Review Conference, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, that all dissemination of ideas based on racial superiority or hatred, or incitement to racial discrimination, as well as all acts of violence or incitement to such acts, shall be declared offences punishable by law, in accordance with the international obligations of States, and that these prohibitions are consistent with freedom of opinion and expression;

22. *Recognizes* the positive role that the exercise of the right to freedom of opinion and expression, as well as full respect for the freedom to seek, receive and impart information, including through the Internet, can play in combating racism, racial discrimination, xenophobia and related intolerance;

23. *Expresses concern* about the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, and in this regard calls upon States parties to the International Covenant on Civil and Political Rights to implement fully articles 19 and 20 of the Covenant, which guarantee the right to freedom of expression and outline grounds on which the exercise of this right can be legitimately restricted;

24. *Recognizes* the need to promote the use of new information and communications technologies, including the Internet, to contribute to the fight against racism, racial discrimination, xenophobia and related intolerance;

25. *Encourages* those States that have made reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination to give serious consideration to withdrawing such reservations as a matter of priority, as stressed by the Special Rapporteur;

26. *Notes* the importance of strengthening cooperation at the regional and international levels with the aim of countering all manifestations of racism, racial discrimination, xenophobia and related intolerance, in particular regarding issues raised in the present resolution;

27. *Stresses* the importance of cooperating closely with civil society and international and regional human rights mechanisms in order to counter effectively all manifestations of racism, racial discrimination, xenophobia and related intolerance, as well as extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and other similar extremist ideological movements that incite racism, racial discrimination, xenophobia and related intolerance;

28. *Encourages* States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to ensure that their legislation incorporates the provisions of the Convention, including those of article 4;

29. *Encourages* States to adopt the legislation necessary to combat racism while ensuring that the definition of racial discrimination set out therein complies with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination;

30. *Recalls* that any legislative or constitutional measures adopted with a view to countering extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements should be in conformity with the relevant international human rights norms;

31. *Also recalls* the request of the Commission on Human Rights, in its resolution 2005/5,[5] that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

32. *Requests* the Special Rapporteur to prepare, for submission to the General Assembly at its sixty-eighth session and to the Human Rights Council at its twenty-third session, reports on the implementation of the present resolution, in particular regarding paragraphs 4, 5, 7, 8, 9, 16 and 17 thereof, based on the views collected in accordance with the request of the Commission on Human Rights, as recalled in paragraph 31 above;

33. *Expresses its appreciation* to those Governments that have provided information to the Special Rapporteur in the course of the preparation of his report to the General Assembly, and notes the increase in such contributions received from States;

34. *Stresses* that such information is important for the sharing of experiences and best practices in the fight against extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and other extremist ideological movements that incite racism, racial discrimination, xenophobia and related intolerance;

35. *Encourages* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the tasks outlined in paragraph 31 above;

36. *Encourages* Governments, non-governmental organizations and relevant actors to disseminate, as widely as possible, information regarding the contents of and the principles outlined in the present resolution, including through the media, but not limited to it;

37. *Decides* to remain seized of the issue.

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Third Committee
Agenda item 67 (b)
Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Algeria:* draft resolution

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the World Conference, and in this regard underlining the importance of their full and effective implementation,

Recalling also its resolutions 64/148 of 18 December 2009 and 65/240 of 24 December 2010, in which it, inter alia, called for the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,[1] which represented an important opportunity for the international community to reaffirm its commitment to the eradication of racism, racial discrimination, xenophobia and related intolerance, including by mobilizing political will at the national, regional and international levels, with a view to achieving concrete results,

Recalling further its resolution 66/144 of 19 December 2011, in which it welcomed the adoption of the political declaration of the high-level meeting of the

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See A/CONF.189/12 and Corr.1, chap. I.

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General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action,[2] whose aim was to mobilize political will at the national, regional and international levels,

Welcoming the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, adopted on 22 September 2011, which reaffirmed the political commitment to the full and effective implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,[3] and their follow-up processes at the national, regional and international levels,

Welcoming also resolution 66/144, in which the General Assembly encouraged the Working Group of Experts on People of African Descent to develop a programme of action, including a theme, for adoption by the Human Rights Council, with a view to proclaiming the decade starting in 2013 the Decade for People of African Descent,

Taking note of Human Rights Council decision 3/103 of 8 December 2006,[4] by which, heeding the decision and instruction of the World Conference, the Council established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards, and deeply regretting the slow progress in terms of discharging its mandate,

Underlining the importance of Human Rights Council resolution 6/22 of 28 September 2007,[5] by which the Council deplored the lack of political will to translate the Durban commitments into concrete action and tangible results,

Bearing in mind the responsibility and commitments of the Human Rights Council emanating from the outcome document of the Durban Review Conference,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

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[2] See resolution 66/3.

[3] See A/CONF.211/8, chap. I.

[4] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. II, sect. B.

[5] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Stressing the importance of a consistent global effort to correct ongoing distortion of the facts around the Durban Declaration and Programme of Action,

Emphasizing, while acknowledging the primary responsibility of States parties to implement their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination,[6] that international cooperation and technical assistance play an important role in assisting countries in the implementation of their obligations under the Convention,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large as a result, inter alia, of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Recognizing that individuals belonging to vulnerable groups, such as migrants, refugees, asylum seekers and persons belonging to national or ethnic, religious and linguistic minorities, continue to be the main victims of violence and attacks perpetrated or incited by extremist political parties, movements and groups,

Acknowledging the central role of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of the primary objectives and commitments undertaken at the World Conference,

Expressing grave concern at the lack of progress made in the implementation of the Durban Declaration and Programme of Action, in particular key paragraphs 157 to 159 of the Programme of Action,

Recognizing that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices, which in turn generate more poverty,

Expressing concern that the current economic and financial crisis and its consequences on poverty and unemployment may have further contributed to the rise of extremist political parties, movements and groups and exacerbated identity-related issues, and that in this period of economic crisis, non-citizens, members of minorities, migrants, refugees and asylum seekers are still the main scapegoats of extremist political parties that have a xenophobic and racist agenda and that sometimes incite racial discrimination and violence against them,

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[6] United Nations, *Treaty Series*, vol. 660, No. 9464.

Welcoming the continued commitment of the United Nations High Commissioner for Human Rights to profiling and increasing the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance, and recognizing the need for the High Commissioner to make this a cross-cutting issue in the activities and programmes of her Office,

Expressing concern at manifestations of intolerance based on religion or belief that can generate hatred and violence among individuals composing different nations, and in this regard emphasizing the importance of respect for religious and cultural diversity, as well as interfaith and intercultural dialogue, which contribute to promoting a culture of tolerance and respect among individuals, societies and nations,

Welcoming the work done and the progress made during the ninth and tenth sessions of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, held from 17 to 28 October 2011[7] and from 8 to 19 October 2012, respectively, and the fourth session of the Ad Hoc Committee on the Elaboration of Complementary Standards, held from 10 to 12 April 2012,[8]

Welcoming also the declaration of the Global African Diaspora Summit, held in Sandton, Johannesburg, on 25 May 2012,

Welcoming further general recommendation No. 34 adopted by the Committee on the Elimination of Racial Discrimination at its seventy-ninth session, held from 8 August to 2 September 2011,[9] addressing racial discrimination against people of African descent,

Recognizing the potential of sport as a universal language contributing to the education of people on the values of diversity, tolerance and fairness and as a means to combat racism, racial discrimination, xenophobia and related intolerance,

Deeply concerned that, despite the immense potential of sport for promoting tolerance, racism in sport is still a serious problem,

Welcoming the hosting of the 2010 and 2014 International Federation of Association Football World Cups in South Africa and Brazil, respectively, and stressing the importance of making continuing use of those events to promote understanding, tolerance and peace and to promote and strengthen efforts in the fight against racism, racial discrimination, xenophobia and related intolerance,

I
General principles

1. *Recognizes* and affirms that a global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and evolving forms and manifestations is a matter of priority for the international community;

[7] See A/HRC/19/77.
[8] See A/HRC/21/59.
[9] CERD/C/GC/34.

2. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

3. *Expresses its profound concern about and its unequivocal condemnation of* all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

4. *Re-emphasizes* that international cooperation is a key principle in achieving the goal of the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive follow-up to and effective implementation of the Durban Declaration and Programme of Action[1] in this regard;

5. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure the full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action as well as the outcome document of the Durban Review Conference,[3] and in this regard welcomes the steps taken by numerous Governments;

6. *Expresses* deep concern at inadequate responses to emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address those scourges vigorously with a view to preventing their practice and protecting victims;

7. *Underlines* the imperative need to address all the contemporary forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, which include, inter alia, incitement to such hatred, racial profiling and the propagation of racist and xenophobic acts through cyberspace, with a view to maximizing protection for victims, providing legal remedies and combating impunity;

8. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

9. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

10. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion or belief, political or other opinion, social origin, property and birth or other status;

11. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law, and also reaffirms that the dissemination of ideas based on racial superiority or

hatred, or incitement to racial discrimination, as well as all acts of violence or incitement to such acts, shall be declared offences punishable by law, in accordance with the international obligations of States, and that those prohibitions are consistent with freedom of opinion and expression;

12. *Underlines* the imperative need to address all the contemporary forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, which include, inter alia, xenophobia, racial profiling, incitement to racial, ethnic and religious hatred, propagating racist and xenophobic acts through cyberspace, including the Internet, anti-Semitism and Islamophobia, with a view to maximizing protection for victims, providing legal remedies and combating impunity, and in this regard expresses its concern at the acquiescence in such acts which is contradicting the object and purpose of the provisions of article 20 of the International Covenant on Civil and Political Rights,[10] article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination[11] and general recommendation XV (42) of the Committee on the Elimination of Racial Discrimination;[12]

13. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

14. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

15. *Calls upon* all States, in accordance with the commitments undertaken in paragraph 147 of the Durban Programme of Action, to take all measures necessary to combat incitement to violence motivated by racial hatred, including through the misuse of print, audiovisual and electronic media and new communications technologies, and, in collaboration with service providers, to promote the use of such technologies, including the Internet, to contribute to the fight against racism, in conformity with international standards of freedom of expression and taking all measures necessary to guarantee that right;

16. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries, as well as information on the follow-up to and implementation of the Durban Declaration and Programme of Action;

17. *Stresses* the responsibility of States to mainstream a gender perspective into the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

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[10] See resolution 2200 A (XXI), annex.

[11] United Nations, *Treaty Series*, vol. 660, No. 9464.

[12] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18* (A/48/18), chap. VIII, sect. B.

II
International Convention on the Elimination of All Forms of Racial Discrimination

18. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[11] are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, and for the promotion of equality and non-discrimination in the world;

19. *Notes with appreciation* the thematic debate on hate speech during the eighty-first session of the Committee on the Elimination of Racial Discrimination, and encourages the Committee to continue to take such initiatives and to associate further all of the relevant follow-up mechanisms of the Human Rights Council with them;

20. *Expresses grave concern* that universal ratification of the Convention has not yet been reached, despite commitments under the Durban Declaration and Programme of Action,[1] and calls upon those States that have not yet done so to accede to the Convention as a matter of urgency;

21. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain on its website and issue regular updates on a list of countries that have not yet ratified the Convention and to encourage those countries to ratify it at the earliest possible time;

22. *Expresses concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impede the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to requesting countries in the preparation of their reports to the Committee;

23. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

24. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[13] and article 5 of the Convention;

25. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

26. *Welcomes* the work of the Committee in combating racism, racial discrimination, xenophobia and related intolerance in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

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[13] Resolution 217 A (III).

27. *Also welcomes* the recommendation of the Committee to Member States to verify whether the absence of complaints of racial discrimination is not the result of victims' lack of awareness of their rights, fear of reprisals, limited access to remedies, lack of confidence in the police and judicial authorities or the authorities' lack of attention or sensitivity to cases of racial discrimination, and to pay particular attention to the challenges faced by ethnic groups in accessing justice, such as their remoteness and language obstacles;[14]

28. *Calls upon* Member States to do their utmost to ensure that their responses to the current financial and economic crisis do not lead to increased poverty and underdevelopment and, potentially, a rise in racism, racial discrimination, xenophobia and related intolerance against foreigners, immigrants and persons belonging to national or ethnic, religious and linguistic minorities all over the world;

29. *Reaffirms* that deprivation of citizenship on the basis of race or descent is a breach of State parties' obligations to ensure non-discriminatory enjoyment of the right to nationality;

III
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and follow-up to his visits

30. *Takes note* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[15] and encourages relevant stakeholders to consider implementing the recommendations contained therein;

31. *Welcomes* Human Rights Council resolution 16/33 of 25 March 2011,[16] by which the Council decided to extend the mandate of the Special Rapporteur for a period of three years;

32. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

33. *Reaffirms* that any form of impunity condoned by public authorities for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts;

34. *Emphasizes* the obligations of States under international law to exercise due diligence to prevent crimes against migrants perpetrated with racist or xenophobic motivations, to investigate such crimes and to punish the perpetrators and that not doing so violates, and impairs or nullifies the enjoyment of, the human rights and fundamental freedoms of victims, and urges States to reinforce measures in this regard;

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[14] See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 18* (A/67/18), para. 32 (22).

[15] See A/67/328.

[16] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.

35. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

36. *Calls upon* States parties to fully implement legislation and other measures already in place to ensure that people of African descent are not discriminated against, and underlines in this regard the importance of supporting the programme of activities for the International Year for People of African Descent adopted by the General Assembly at its sixty-fifth session;[17]

37. *Requests* the United Nations High Commissioner for Human Rights to continue to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

38. *Requests* the Secretary-General to provide the Special Rapporteur with all the human and financial assistance necessary to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-eighth session;

39. *Requests* the Special Rapporteur, within his mandate, to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights;

40. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

41. *Strongly condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience and religion or belief;

42. *Recommends* that States engage in broad efforts to eliminate racism, racial discrimination, xenophobia and related intolerance and to promote respect for cultural, ethnic and religious diversity, and in that regard emphasizes the crucial role of education, including human rights education, training and learning, and a variety of awareness-raising measures which contribute to the creation of tolerant societies in which mutual understanding may be ensured;

43. *Also recommends* that all States give due attention to and closely monitor the way in which the concept of national, cultural and religious identity is debated within their societies, with a view to preventing it from being used as a tool to create artificial differences among some groups of the population;

44. *Expresses concern* at recent deeply marked tendencies within numerous societies to characterize migration as a problem and a threat to social cohesion, and

[17] See resolution 65/36.

in this context notes the numerous human rights challenges in combating racism, racial discrimination, xenophobia and related intolerance;

45. *Recommends* that States conduct human rights training, including on the challenges of racism, racial discrimination, xenophobia and related intolerance faced by migrants, refugees and asylum seekers, for law enforcement officials, especially immigration officials and border police, so that they may act in conformity with international human rights law;

46. *Also recommends* that States collect disaggregated data with a view to setting up concrete targets in order to design appropriate anti-racial discrimination legislation and policies and monitor their effectiveness, while abiding by some key principles, including self-identification, the right to privacy and guaranteeing the consent of the individuals concerned and the involvement of all groups of individuals concerned in the design and implementation of the exercise;

47. *Requests* the Special Rapporteur to look at domestic models of racial equality indexes, where they exist, and their added value in the eradication of racial discrimination;

48. *Encourages* those States that have not enacted legislation to combat and prevent racial, ethnic and xenophobic hatred through the Internet to consider the enactment of such legislation, taking into account that combating the use of the Internet to propagate racial, ethnic and xenophobic content and incitement to violence requires a multi-stakeholder approach which involves the private sector, in particular Internet service providers and other relevant industry players;

49. *Encourages* States to use the opportunities provided by the Internet and social media to counter the dissemination of ideas based on racial superiority or hatred and to promote equality, non-discrimination and respect for diversity through content diversification to reduce information asymmetry and misperceptions that feed racist and xenophobic expressions;

50. *Strongly condemns* any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means, and in this regard emphasizes that respect for human rights and cultural and religious diversity is an essential element to creating an environment free from racism, racial discrimination, xenophobia and related intolerance and contributes to the global efforts in combating acts of discrimination, incitement to hatred and violence against individuals or persons on the basis of their race, ethnicity, religion or beliefs;

IV

Outcomes of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the 2009 Durban Review Conference and the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action (2011)

51. *Reaffirms* that the General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with Assembly resolution 50/227 of 24 May 1996, and that, together with the Human Rights Council, it shall constitute an intergovernmental process for the comprehensive implementation of

and follow-up to the Durban Declaration and Programme of Action[1] in combating racism, racial discrimination, xenophobia and related intolerance;

52. *Welcomes* the adoption of the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action,[2] whose aim is to mobilize political will at the national, regional and international levels, and calls for concrete actions in this regard;

53. *Reaffirms* the political commitment to the full and effective implementation of the Durban Declaration and Programme of Action, the outcome document of the Durban Review Conference,[3] and their follow-up processes, at the national, regional and international levels, in combating racism, racial discrimination, xenophobia and related intolerance;

54. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001;

55. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

56. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

57. *Calls upon* those States that have not yet done so to consider signing and ratifying or acceding to the instruments enumerated in paragraph 78 of the Durban Programme of Action;

58. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the elimination of all forms of racism and, in particular, towards the achievement of the objectives of the Durban Declaration and Programme of Action in this regard;

59. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in helping States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

60. *Reaffirms* its commitment to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples, and in this regard notes the attention paid to the objectives of combating prejudice, eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;[18]

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[18] Resolution 61/295, annex.

61. *Acknowledges* that the World Conference of 2001, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

62. *Also acknowledges* that the outcomes of the World Conference and the Durban Review Conference have the same status as the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

63. *Emphasizes* the critical importance of increasing public support for the Durban Declaration and Programme of Action and the involvement of relevant stakeholders in its realization;

64. *Requests* the Department of Public Information of the Secretariat to compile and disseminate, within existing resources, in a single combined publication, the political declaration on the tenth anniversary of the adoption of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference, with a view to increasing global support for and awareness of these documents, as well as to establish a programme of outreach through public information campaigns at all levels;

65. *Calls upon* Member States and the United Nations system to intensify efforts to widely distribute copies of the Durban Declaration and Programme of Action, and encourages efforts to ensure its translation and wide dissemination;

66. *Welcomes* the adoption of the laudable initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of slavery and the transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

67. *Welcomes also* the work of the mechanisms mandated to follow up on the World Conference and the Durban Review Conference, and underlines the importance of improving their effectiveness;

68. *Calls upon* the Human Rights Council to ensure that, upon the consideration and adoption of the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action,[7,8] the recommendations are brought to the attention of the relevant United Nations agencies for adoption and implementation within their respective mandates;

69. *Encourages* the Office of the United Nations High Commissioner for Human Rights to continue mainstreaming the implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference in the whole United Nations system, and, in accordance with paragraphs 136 and 137 of the outcome document, which call for the establishment of an inter-agency task force, to update the Human Rights Council in this regard;

70. *Acknowledges* the central role of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and takes note of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the political will necessary for the successful implementation of the Declaration and Programme of Action;

71. *Requests* the Secretary-General to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

72. *Expresses concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

73. *Expresses serious concern* at past and recent incidents of racism in sport and at sporting events and, in this context, welcomes efforts of sports governing bodies to combat racism, including by pursuing anti-racism initiatives and by developing and applying disciplinary codes that impose sanctions for racist acts;

74. *Expresses its appreciation*, in this context, to the International Federation of Association Football for the initiative to introduce a visible theme on non-racism in football, and invites the Federation to continue this initiative at the 2014 World Cup soccer tournament to be held in Brazil;

75. *Calls upon* States to take advantage of mass sporting events as valuable outreach platforms for mobilizing people and conveying crucial messages about equality and non-discrimination;

76. *Urges* States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations, to intensify the fight against racism in sport by, among other things, educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity;

77. *Acknowledges* the guidance and leadership role of the Human Rights Council and encourages it to continue overseeing the implementation of the Durban Declaration and Programme of Action, and requests the Office of the United Nations High Commissioner for Human Rights to continue to provide the Human Rights Council with all the support necessary for it to achieve its objectives in combating racism, racial discrimination, xenophobia and related intolerance;

V
Follow-up activities

78. *Reiterates* its recommendation that future meetings of the Human Rights Council and its relevant mechanisms focusing on the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the implementation of the Durban Declaration and Programme of Action[1] be scheduled in a manner that allows broad participation and avoids overlap with the meetings devoted to the consideration of this item in the General Assembly;

79. *Requests* the Secretary-General to submit to the General Assembly at its sixty-ninth session a report containing recommendations on how to make the Decade for People of African Descent (2013-2022) effective;

80. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a report on the implementation of the present resolution, with recommendations;

81. *Decides* to remain seized of this important matter at its sixty-eighth session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".

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Sixty-seventh session
Third Committee
Agenda item 67 (b)
Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Algeria:* revised draft resolution

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the World Conference, and in this regard underlining the importance of their full and effective implementation,

Recalling also its resolutions 64/148 of 18 December 2009 and 65/240 of 24 December 2010, in which it, inter alia, called for the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,[1] which represented an important opportunity for the international community to reaffirm its commitment to the eradication of racism, racial discrimination, xenophobia and related intolerance, including by mobilizing political will at the national, regional and international levels, with a view to achieving concrete results,

Recalling further the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See A/CONF.189/12 and Corr.1, chap. I.

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Durban Declaration and Programme of Action, adopted on 22 September 2011,[2] which reaffirmed the political commitment to the full and effective implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,[3] and their follow-up processes at the national, regional and international levels,

Recalling its resolution 66/144, in which it encouraged the Working Group of Experts on People of African Descent to develop a programme of action, including a theme, for adoption by the Human Rights Council, with a view to proclaiming the decade starting in 2013 the Decade for People of African Descent,

Taking note of Human Rights Council decision 3/103 of 8 December 2006,[4] by which, heeding the decision and instruction of the World Conference, the Council established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards,

Underlining the importance of Human Rights Council resolution 6/22 of 28 September 2007,[5] in which the Council deplored the lack of political will to translate the Durban commitments into concrete action and tangible results,

Bearing in mind the responsibility and commitments of the Human Rights Council emanating from the outcome document of the Durban Review Conference,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Stressing the importance of a consistent global effort to inform the public about the contribution that the Durban Declaration and Programme of Action has made in the struggle against racism, racial discrimination, xenophobia and related intolerance,

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[2] See resolution 66/3.

[3] See A/CONF.211/8, chap. I.

[4] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. II, sect. B.

[5] Ibid., *Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.

Emphasizing, while acknowledging the primary responsibility of States parties to implement their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination,[6] that international cooperation and technical assistance play an important role in assisting countries in the implementation of their obligations under the Convention,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large as a result, inter alia, of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Recognizing that individuals belonging to vulnerable groups, such as migrants, refugees, asylum seekers and persons belonging to national or ethnic, religious and linguistic minorities, continue to be the main victims of violence and attacks perpetrated or incited by extremist political parties, movements and groups that have a xenophobic and racist agenda,

Acknowledging the central role of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of the primary objectives and commitments undertaken at the World Conference,

Expressing grave concern that the principal objective of combating racism, racial discrimination, xenophobia and related intolerance has not been attained, in particular due to the lack of progress made in the implementation of the Durban Declaration and Programme of Action, in particular key paragraphs 157 to 159 thereof, and that countless human beings continue to be victims of racism, racial discrimination, xenophobia and related intolerance,

Recognizing that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices, which in turn generate more poverty,

Expressing concern that the current economic and financial crisis and its consequences on poverty and unemployment may have further contributed to the rise of extremist political parties, movements and groups and exacerbated identity-related issues, and that in this period of economic crisis, non-citizens, members of minorities, migrants, refugees and asylum seekers are still the main scapegoats of extremist political parties that have a xenophobic and racist agenda and that sometimes incite racial discrimination and violence against them,

Welcoming the continued commitment of the United Nations High Commissioner for Human Rights to profiling and increasing the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance,

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[6] United Nations, *Treaty Series*, vol. 660, No. 9464.

and recognizing the need for the High Commissioner to make this a cross-cutting issue in the activities and programmes of her Office,

Expressing concern at manifestations of intolerance based on religion or belief that can generate hatred and violence among individuals composing different nations, and in this regard emphasizing the importance of respect for religious and cultural diversity, as well as interfaith and intercultural dialogue, which contribute to promoting a culture of tolerance and respect among individuals, societies and nations,

Taking note of the work done and the progress made during the ninth and tenth sessions of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, held from 17 to 28 October 2011[7] and from 8 to 19 October 2012, and the fourth session of the Ad Hoc Committee on the Elaboration of Complementary Standards, held from 10 to 12 April 2012,[8]

Taking note also of the declaration of the Global African Diaspora Summit, held in Sandton, Johannesburg, on 25 May 2012,

Taking note further of general recommendation No. 34 adopted by the Committee on the Elimination of Racial Discrimination at its seventy-ninth session, held from 8 August to 2 September 2011,[9] addressing racial discrimination against people of African descent,

Recognizing the potential of sport as a universal language contributing to the education of people on the values of diversity, tolerance and fairness and as a means to combat racism, racial discrimination, xenophobia and related intolerance,

Deeply concerned that, despite the immense potential of sport for promoting tolerance, racism in sport is still a serious problem,

Welcoming the hosting of the 2010 and 2014 International Federation of Association Football World Cups in South Africa and Brazil, respectively, and stressing the importance of making continuing use of those events to promote understanding, tolerance and peace and to promote and strengthen efforts in the fight against racism, racial discrimination, xenophobia and related intolerance,

I
General principles

1. *Recognizes* and affirms that a global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and evolving forms and manifestations is a matter of priority for the international community;

2. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

3. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially

[7] See A/HRC/19/77.
[8] See A/HRC/21/59.
[9] CERD/C/GC/34.

motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

4. *Re-emphasizes* that international cooperation is a key principle in achieving the goal of the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive follow-up to and effective implementation of the Durban Declaration and Programme of Action[1] in this regard;

5. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to that end stresses that States have the primary responsibility to ensure the full and effective implementation of all commitments and recommendations in this regard contained in the Durban Declaration and Programme of Action as well as in the outcome document of the Durban Review Conference,[3] and in this regard welcomes the steps taken by numerous Governments;

6. *Expresses deep concern* at inadequate responses to emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address those scourges vigorously with a view to preventing their practice and protecting victims;

7. *Underlines* the imperative need to also address all the contemporary forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, which include incitement to such hatred, racial profiling and the propagation of racist and xenophobic acts through cyberspace, with a view to maximizing protection for victims, providing legal remedies and combating impunity;

8. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

9. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

10. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion or belief, political or other opinion, social origin, property and birth or other status;

11. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law, and also reaffirms that the dissemination of ideas based on racial superiority or hatred, or incitement to racial discrimination, as well as all acts of violence or incitement to such acts, shall be declared offences punishable by law, in accordance with the international obligations of States, and that those prohibitions are consistent with freedom of opinion and expression;

12. *Underlines* the imperative need to address all the contemporary forms and manifestations of racial discrimination, taking into account the object and purpose of the provisions of article 20 of the International Covenant on Civil and Political Rights,[10] article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination[6] and general recommendation XV of the Committee on the Elimination of Racial Discrimination;[11]

13. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

14. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

15. *Calls upon* all States, in accordance with the commitments undertaken in paragraph 147 of the Durban Programme of Action, to take all measures necessary to combat incitement to violence motivated by racial hatred, including through the misuse of print, audiovisual and electronic media and new communications technologies, and, in collaboration with service providers, to promote the use of such technologies, including the Internet, to contribute to the fight against racism, in conformity with international standards of freedom of expression and taking all measures necessary to guarantee that right;

16. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries, as well as information on the follow-up to and implementation of the Durban Declaration and Programme of Action;

17. *Stresses* the responsibility of States to mainstream a gender perspective into the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II
International Convention on the Elimination of All Forms of Racial Discrimination

18. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, and for the promotion of equality and non-discrimination in the world;

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[10] See resolution 2200 A (XXI), annex.

[11] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18* (A/48/18), chap. VIII, sect. B.

19. *Notes with appreciation* the thematic debate on hate speech held during the eighty-first session of the Committee on the Elimination of Racial Discrimination;

20. *Expresses grave concern* that universal ratification of the Convention has not yet been reached, despite commitments under the Durban Declaration and Programme of Action, and calls upon those States that have not yet done so to accede to the Convention as a matter of urgency;

21. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain on its website and to issue regular updates on a list of countries that have not yet ratified the Convention and to encourage those countries to ratify it at the earliest possible time;

22. *Expresses concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impede the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to requesting countries in the preparation of their reports to the Committee;

23. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

24. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[12] and article 5 of the Convention;

25. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

26. *Welcomes* the work of the Committee in combating racism, racial discrimination, xenophobia and related intolerance in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

27. *Encourages* all Member States to consider verifying whether the absence of complaints of racial discrimination is not the result of the victims' lack of awareness of their rights, fear of reprisals, limited access to remedies, or lack of confidence in the law enforcement authorities, or to the lack of attention or sensitivity on the part of the law enforcement authorities to cases of racial discrimination, and to pay particular attention to the challenges faced by victims in accessing justice;[13]

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[12] Resolution 217 A (III).

[13] See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 18* (A/67/18), para. 32 (22).

28. *Calls upon* Member States to do their utmost to ensure that their responses to the current financial and economic crisis do not lead to increased poverty and underdevelopment and, potentially, a rise in racism, racial discrimination, xenophobia and related intolerance against foreigners, immigrants and persons belonging to national or ethnic, religious and linguistic minorities all over the world;

29. *Reaffirms* that deprivation of citizenship on the basis of race or descent is a breach of State parties' obligations to ensure non-discriminatory enjoyment of the right to nationality;

III
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and follow-up to his visits

30. *Takes note* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[14] and encourages relevant stakeholders to consider implementing the recommendations contained therein;

31. *Welcomes* Human Rights Council resolution 16/33 of 25 March 2011,[15] by which the Council decided to extend the mandate of the Special Rapporteur for a period of three years;

32. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

33. *Reaffirms* that any form of impunity condoned by public authorities for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts;

34. *Emphasizes* the obligations of States under international law to exercise due diligence to prevent crimes against migrants perpetrated with racist or xenophobic motivations, to investigate such crimes and to punish the perpetrators and that not doing so violates, and impairs or nullifies the enjoyment of, the human rights and fundamental freedoms of victims, and urges States to reinforce measures in this regard;

35. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

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[14] See A/67/328.

[15] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.

36. *Calls upon* States parties to fully implement legislation and other measures already in place to ensure the elimination of all forms of racism, notably against people of African descent;[16]

37. *Requests* the United Nations High Commissioner for Human Rights to continue to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

38. *Requests* the Secretary-General to provide the Special Rapporteur with all the human and financial assistance necessary to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-eighth session;

39. *Requests* the Special Rapporteur, within his mandate, to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights;

40. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

41. *Strongly condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience and religion or belief;

42. *Recommends* that States engage in broad efforts to eliminate racism, racial discrimination, xenophobia and related intolerance and to promote respect for cultural, ethnic and religious diversity, and in that regard emphasizes the crucial role of education, including human rights education, training and learning, and a variety of awareness-raising measures that contribute to the creation of tolerant societies in which mutual understanding may be ensured;

43. *Also recommends* that all States give due attention to and closely monitor the way in which the concept of national, cultural and religious identity is debated within their societies, with a view to preventing it from being used as a tool to create artificial differences among some groups of the population;

44. *Expresses concern* at recent deeply marked tendencies within numerous societies to characterize migration as a problem and a threat to social cohesion, and in this context notes the numerous human rights challenges in combating racism, racial discrimination, xenophobia and related intolerance;

45. *Recommends* that States conduct human rights training, including on the challenges of racism, racial discrimination, xenophobia and related intolerance faced by migrants, refugees and asylum seekers, for law enforcement officials, especially immigration officials and border police, so that they may act in conformity with international human rights law;

46. *Also recommends* that States consider collecting ethnically disaggregated data with a view to setting up concrete targets and designing appropriate and

[16] See resolution 65/36.

effective anti-discrimination legislation, policies and programmes aimed at promoting equality, preventing and eliminating racism, racial discrimination, xenophobia and related intolerance; any such information should, as appropriate, be collected with the explicit consent of individuals, based on their self-determination and in accordance with provisions of human rights and fundamental freedoms, as well as data protection regulations and privacy guarantees; this information must not be misused;

47. *Invites* the Special Rapporteur to consider examining domestic models of mechanisms that measure racial equality and their added value in the eradication of racial discrimination, and to report on such challenges, successes and best practices in his next report;

48. *Encourages* those States that have not enacted legislation to combat and prevent racial, ethnic and xenophobic hatred through the Internet to consider the enactment of such legislation, in conformity with international standards on freedom of expression and taking all measures necessary to guarantee that right, taking into account that combating the use of the Internet to propagate racial, ethnic and xenophobic content and incitement to violence requires a multi-stakeholder approach which involves the private sector, in particular Internet service providers and other relevant industry players;

49. *Encourages* States to promote the opportunities provided by the Internet and social media to counter the dissemination of ideas based on racial superiority or hatred and to promote equality, non-discrimination and respect for diversity;

50. *Strongly condemns* any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means, and in this regard emphasizes that respect for all human rights and fundamental freedoms, including freedom of religion or belief, and for cultural and religious diversity is an essential element for creating an environment free from racism, racial discrimination, xenophobia and related intolerance and contributes to the global efforts to combat all forms of discrimination;

IV
Outcomes of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the 2009 Durban Review Conference and the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action (2011)

51. *Reaffirms* that the General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with its resolution 50/227 of 24 May 1996, and that, together with the Human Rights Council, it shall constitute an intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action in combating racism, racial discrimination, xenophobia and related intolerance;

52. *Welcomes* the adoption of the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action,[2] whose aim is to

mobilize political will at the national, regional and international levels and to implement the Programme of Action;

53. *Reaffirms* the political commitment to the full and effective implementation of the Durban Declaration and Programme of Action, the outcome document of the Durban Review Conference, and their follow-up processes, at the national, regional and international levels, in combating racism, racial discrimination, xenophobia and related intolerance;

54. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001;

55. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

56. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

57. *Calls upon* those States that have not yet done so to consider signing and ratifying or acceding to the instruments enumerated in paragraph 78 of the Durban Programme of Action;

58. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States, towards the elimination of all forms of racism and, in particular, towards the achievement of the objectives of the Durban Declaration and Programme of Action in this regard;

59. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in helping States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

60. *Reaffirms* its commitment to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples, and in this regard notes the attention paid to the objectives of combating prejudice, eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;[17]

61. *Acknowledges* that the World Conference of 2001, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

[17] Resolution 61/295, annex.

62. *Also acknowledges* that the outcomes of the World Conference and the Durban Review Conference, in combating racism, racial discrimination, xenophobia and related intolerance, have the same status as the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

63. *Takes note* of efforts to increase public support for the role of the Durban Declaration and Programme of Action in combating racism, racial discrimination, xenophobia and related intolerance and the involvement of relevant stakeholders in its realization;

64. *Welcomes* the compilation elaborated by the Office of the United Nations High Commissioner for Human Rights, in collaboration with the Department of Public Information of the Secretariat, to compile and disseminate, from within existing resources, in a single combined publication, the political declaration on the tenth anniversary of the adoption of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference, with a view to increasing global support for and awareness of these documents, as well as to establish a programme of outreach through public information campaigns at all levels, and encourages them to intensify efforts to enhance global support for and awareness of these documents;

65. *Calls upon* Member States and the United Nations system to intensify efforts to widely distribute copies of the Durban Declaration and Programme of Action, and encourages efforts to ensure its translation and wide dissemination;

66. *Endorses* the laudable initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of slavery and the transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

67. *Takes note* of the work of the mechanisms mandated to follow up on the World Conference and the Durban Review Conference, and underlines the importance of improving their effectiveness;

68. *Calls upon* the Human Rights Council to ensure that, upon the consideration and adoption of the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the recommendations are brought to the attention of the relevant United Nations agencies for adoption and implementation, within their respective mandates;

69. *Encourages* the Office of the United Nations High Commissioner for Human Rights to continue mainstreaming the implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference throughout the United Nations system and, in accordance with paragraphs 136 and 137 of the outcome document, which call for the establishment of an inter-agency task force, to update the Human Rights Council in this regard;

70. *Acknowledges* the central role of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158

of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and takes note of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the political will necessary for the successful implementation of the Declaration and Programme of Action;

71. *Requests* the Secretary-General to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

72. *Expresses concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

73. *Expresses serious concern* at past and recent incidents of racism in sport and at sporting events and, in this context, welcomes efforts of sports governing bodies to combat racism, including by pursuing anti-racism initiatives and by developing and applying disciplinary codes that impose sanctions for racist acts;

74. *Expresses its appreciation*, in this context, to the International Federation of Association Football for the initiative to introduce a visible theme on non-racism in football, and invites the Federation to continue this initiative at the 2014 World Cup soccer tournament to be held in Brazil;

75. *Calls upon* States to take advantage of mass sporting events as valuable outreach platforms for mobilizing people and conveying crucial messages about equality and non-discrimination;

76. *Urges* States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations, to intensify the fight against racism in sport by, among other things, educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity;

77. *Acknowledges* the guidance and leadership role of the Human Rights Council, encourages it to continue overseeing the implementation of the Durban Declaration and Programme of Action, and requests the Office of the United Nations High Commissioner for Human Rights to continue to provide the Human Rights Council with all the support necessary for it to achieve its objectives in combating racism, racial discrimination, xenophobia and related intolerance;

V
Follow-up activities

78. *Reiterates* its recommendation that future meetings of the Human Rights Council and its relevant mechanisms focusing on the follow-up to the World

Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the implementation of the Durban Declaration and Programme of Action be scheduled in a manner that allows broad participation and avoids overlap with the meetings devoted to the consideration of this item in the General Assembly;

79. *Requests* the Secretary-General, in consultation with Member States, relevant United Nations programmes and agencies and civil society, including non-governmental organizations, to launch a preparatory process, for the proclamation of the Decade for People of African Descent, with the theme, "People of African descent: recognition, justice and development", with a view to proclaiming it in 2013, and to report to the General Assembly before the end of its sixty-seventh session on the practical steps to be taken to make the decade effective;

80. *Commends* the Working Group of Experts on People of African Descent for its work during its tenth session,[18] and invites its Chair to participate in the proclamation of the Decade and to report and to address the General Assembly in that respect, under the item "Elimination of racism, racial discrimination, xenophobia and related intolerance", at its sixty-eighth session;

81. *Decides* to remain seized of this important matter at its sixty-eighth session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".

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[18] See A/HRC/18/45.

United Nations A/C.3/67/L.57

General Assembly

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Sixty-seventh session
Third Committee
Agenda item 67 (a)
Elimination of racism, racial discrimination, xenophobia and related intolerance

Argentina, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Costa Rica, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, New Zealand, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland and Turkey: draft resolution

International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its previous resolutions on the International Convention on the Elimination of All Forms of Racial Discrimination,[1] most recently resolution 65/200 of 21 December 2010,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] in particular section II.B of the Declaration, relating to equality, dignity and tolerance,

Reiterating the need to intensify the struggle to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance throughout the world,

Reiterating also the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Reaffirming that universal adherence to and full implementation of the Convention are of paramount importance for promoting equality and non-discrimination in the world, as stated in the Durban Declaration and Programme of Action, adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[3]

[1] United Nations, *Treaty Series*, vol. 660, No. 9464.
[2] A/CONF.157/24 (Part I), chap. III.
[3] See A/CONF.189/12 and Corr.1, chap. I.

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Mindful of the importance of the contributions of the Committee on the Elimination of Racial Discrimination to the effective implementation of the Convention and to the efforts of the United Nations to combat racism, racial discrimination, xenophobia and related intolerance,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations,[4] and reiterating its deep concern that the amendment to the Convention has not yet entered into force,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

Taking note of the report of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the treaty body system[5] and the report of the United Nations High Commissioner for Human Rights on the strengthening of the human rights treaty bodies,[6] in which the challenges faced by the human rights treaty bodies are highlighted,

I. Reports of the Committee on the Elimination of Racial Discrimination

1. *Takes note* of the reports of the Committee on the Elimination of Racial Discrimination on its seventy-eighth and seventy-ninth[7] and its eightieth[8] sessions;

2. *Commends* the Committee for its contributions to the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[1] especially through the examination of reports under article 9 of the Convention, action on communications under article 14 of the Convention and thematic discussions, which contribute to the prevention and elimination of racism, racial discrimination, xenophobia and related intolerance;

3. *Calls upon* States parties to fulfil their obligation, under article 9, paragraph 1, of the Convention, to submit their periodic reports on measures taken to implement the Convention in due time;

4. *Expresses its concern* at the fact that a great number of reports, in particular initial reports, are overdue and continue to be overdue, which constitutes an obstacle to the full implementation of the Convention;

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[4] See CERD/SP/45, annex.

[5] A/66/344.

[6] A/66/860.

[7] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 18* (A/66/18).

[8] Ibid., *Sixty-seventh Session, Supplement No. 18* (A/67/18).

5. *Encourages* States parties to the Convention whose reports are seriously overdue to avail themselves of the advisory services and technical assistance that the Office of the United Nations High Commissioner for Human Rights can provide, upon their request, for the preparation of the reports;

6. *Reiterates* that States parties, in line with article 8 of the Convention, should take into account, in their nomination of members to the Committee, that the Committee shall be composed of persons of high moral standing and acknowledged impartiality, who shall serve in their personal capacity, and that consideration shall be given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems, and encourages States parties to give due regard to the nomination of persons having legal experience, as well as recognized competence in the field of human rights, and to the equal representation of women and men;

7. *Encourages* the Committee to continue to cooperate and exchange information with United Nations bodies and mechanisms, in particular the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other relevant mechanisms of the Human Rights Council, as well as with intergovernmental and non-governmental organizations;

8. *Encourages* States parties to the Convention to continue to include a gender perspective in their reports to the Committee, and invites the Committee to take into account a gender perspective in the implementation of its mandate;

9. *Also encourages* States parties to the Convention to include information on measures to prevent and combat racism, racial discrimination, xenophobia and related intolerance in their national reports to the universal periodic review mechanism of the Human Rights Council, and strongly encourages States parties to recognize those recommendations of the universal periodic review mechanism that originate from treaty body recommendations and treat them appropriately;

10. *Notes with appreciation* the engagement of the Committee in the follow up to the Durban Declaration and Programme of Action;[3]

11. *Expresses its appreciation* for the efforts made so far by the Committee to improve the efficiency of its working methods, including with a view to further harmonizing the working methods of the treaty bodies, and encourages the Committee to continue its activities in this regard;

12. *Welcomes*, in this regard, measures taken by the Committee to follow up on its concluding observations and recommendations, such as the appointment of a follow-up coordinator[9] and the adoption of the guidelines on follow-up;[10]

13. *Encourages* the continued participation of members of the Committee in the annual inter-committee meetings and meetings of chairpersons of the human rights treaty bodies, especially with a view to a more coordinated approach to the activities of the treaty body system and standardized reporting as well as to solving the problem of the backlog of reports of States parties in an effective manner, including by identifying efficiencies and maximizing the use of their resources as well as learning and sharing best practices and experiences in this regard;

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[9] Ibid., *Sixtieth Session, Supplement No. 18* (A/60/18), annex IV.

[10] Ibid., *Sixty-first Session, Supplement No. 18* (A/61/18), annex VI.

14. *Recalls* that the General Assembly decided to authorize the Committee to meet for an additional week per session, as a temporary measure, from August 2009 to 2012;

15. *Welcomes* the fact that the additional meeting time has, for the time being, allowed the Committee to eliminate the backlog of reports pending consideration;

16. *Takes note* of the report of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the treaty body system,[5] submitted pursuant to General Assembly resolutions 65/200 and 65/204, and the report of the open-ended intergovernmental process to conduct open, transparent and inclusive negotiations on how to strengthen and enhance the effective functioning of the human rights treaty body system;[11]

II. Financial situation of the Committee on the Elimination of Racial Discrimination

17. *Takes note* of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;[12]

18. *Expresses its profound concern* at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination[1] have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention;

19. *Strongly urges* States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992,[4] endorsed by the General Assembly in its resolution 47/111 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

20. *Requests* the Secretary-General to continue to ensure adequate financial arrangements and to provide the necessary support, including an adequate level of Secretariat assistance, in order to ensure the functioning of the Committee and to enable it to cope with its increasing amount of work;

21. *Also requests* the Secretary-General to invite those States parties to the Convention that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its sixty-ninth session;

[11] A/66/902.
[12] A/67/322.

III. Status of the International Convention on the Elimination of All Forms of Racial Discrimination

22. *Reiterates* its call for the universal ratification and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[1] by all States parties to eliminate all forms of racial discrimination;

23. *Takes note* of the report of the Secretary-General on the status of the Convention;[13]

24. *Expresses its satisfaction* at the number of States that have ratified or acceded to the Convention, which now stands at one hundred and seventy-five;

25. *Urges* States parties to comply fully with their obligations under the Convention and to take into consideration the concluding observations and general recommendations of the Committee on the Elimination of Racial Discrimination;

26. *Reaffirms its conviction* that ratification of or accession to the Convention on a universal basis and the implementation of its provisions are necessary for the effectiveness of the fight against racism, racial discrimination, xenophobia and related intolerance and for the implementation of the commitments undertaken under the Durban Declaration and Programme of Action,[3] and expresses its disappointment that universal ratification of the Convention was not achieved by the targeted date of 2005;

27. *Urges* States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and narrowly as possible in order to ensure that no reservation is incompatible with the object and purpose of the Convention, to review their reservations on a regular basis with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention;

28. *Notes* that the number of States parties to the Convention that have made the declaration provided for in article 14 of the Convention now stands at fifty-four, and requests States parties that have not yet done so to consider making that declaration;

29. *Invites* the Chair of the Committee to present an oral report on the work of the Committee and to engage in an interactive dialogue with the General Assembly at its sixty-ninth session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance";

30. *Decides* to consider, at its sixty-ninth session, under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance", the reports of the Committee on its eighty-first and eighty-second and its eighty-third and eighty-fourth sessions, the report of the Secretary-General on the financial situation of the Committee and the report of the Secretary-General on the status of the Convention.

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[13] A/67/321.

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Sixty-seventh session
Third Committee
Agenda item 68
Right of peoples to self-determination

Cuba: draft resolution

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling all of its previous resolutions on the subject, including resolution 66/147 of 19 December 2011, and Human Rights Council resolutions 15/12 of 30 September 2010,[1] 15/26 of 1 October 2010,[2] 18/4 of 29 September 2011,[3] and 21/8 of 27 September 2012,[4] as well as all resolutions adopted by the Commission on Human Rights in this regard,

Recalling also all of its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[5] as well as by the African Union,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

[1] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53A* (A/65/53/Add.1), chap. II.
[2] Ibid., chap. I.
[3] Ibid., *Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and Corr.1), chap. II.
[4] Ibid., *Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.
[5] United Nations, *Treaty Series*, vol. 1490, No. 25573.

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Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[6]

Welcoming the establishment of the open-ended intergovernmental Working Group of the Human Rights Council with the mandate of considering the possibility of elaborating an international regulatory framework, including the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies,

Recalling that regional consultations were held in all five regions from 2007 to 2011, in which participants noted that the enjoyment and exercise of human rights were increasingly impeded by the emergence of new challenges and trends relating to mercenaries or their activities and to the role played by private military and security companies registered, operating or recruiting personnel in each region, and expressing its appreciation to the Office of the United Nations High Commissioner for Human Rights for its support for the holding of the consultations,

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in some developing countries in various parts of the world, including in areas of armed conflict, and the threat they pose to the integrity of and respect for the constitutional order of the affected countries,

Concerned at the alleged involvement of mercenaries, as well as employees of some private military and security companies with mercenary-related activities, in serious human rights violations, including summary executions, enforced disappearances, rape, torture, cruel, inhuman or degrading treatment, arbitrary arrests and detentions, arson, pillaging and looting,

Convinced that a comprehensive, legally binding international regulatory instrument is important for regulating private military and security companies and, in this regard, for taking measures to ensure their accountability for human rights violations and monitor their activities,

Convinced also that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

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[6] Resolution 2625 (XXV), annex.

1. *Acknowledges with appreciation* the work and contributions of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, including its research activities, and takes note with appreciation of its latest report;[7]

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges once again* all States to take the steps necessary and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training, protection or transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import the military assistance, consultancy and security services provided by private companies to establish regulatory national mechanisms for the registering and licensing of those companies in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Emphasizes its utmost concern* about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights;

8. *Calls upon* all States that have not yet done so to consider taking the action necessary to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[8]

9. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

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[7] See A/67/340.

[8] United Nations, *Treaty Series*, vol. 2163, No. 37789.

10. *Condemns* recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination, and stresses the importance for the Working Group of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

11. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

12. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

13. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

14. *Welcomes* the holding of the second session of the open-ended intergovernmental Working Group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, and expresses satisfaction at the participation of experts, including the members of the Working Group on the use of mercenaries, as resource persons at the above-mentioned session;

15. *Requests* the Working Group on the use of mercenaries to continue the work already done by previous Special Rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination in his report to the Commission on Human Rights at its sixtieth session;[9]

16. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

17. *Recommends* that all Member States, including those confronted with the phenomenon of private military and security companies, as contracting States, States of operations, home States or States whose nationals are employed to work for a private military and security company, to contribute to the work of the open-ended intergovernmental Working Group, taking into account the initial work done by the Working Group on the use of mercenaries;

18. *Urges* all States to cooperate fully with the Working Group on the use of mercenaries in the fulfilment of its mandate;

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[9] See E/CN.4/2004/15, para. 47.

19. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

20. *Requests* the Working Group to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its sixty-eighth session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

21. *Decides* to consider at its sixty-eighth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

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Sixty-seventh session
Third Committee
Agenda item 64
Report of the Human Rights Council

Cape Verde:* draft resolution

Report of the Human Rights Council

The General Assembly,

Recalling its resolutions 60/251 of 15 March 2006, by which it established the Human Rights Council, and 65/281 of 17 June 2011, by which it reviewed the Council,

Recalling also its resolutions 66/136 of 19 December 2011, 65/195 of 21 December 2010, 64/143 of 18 December 2009, 63/160 of 18 December 2008 and 62/219 of 22 December 2007,

Having considered the recommendations contained in the report of the Human Rights Council,

Takes note of the report of the Human Rights Council, including the addendum thereto, and its recommendations.[1]

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* On behalf of the States Members of the United Nations that are members of the Group of African States.

[1] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1) and *Supplement No. 53A* (A/67/53/Add.1).

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